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FILE NO. A34690 (070050.1714)

PATENT *Sum*

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 04 2002

Applicant : Fisher *et al.*

Serial No. : 09/621,781

Examiner: Loeb, Bronwen

Filed : July 21, 2000

Group Art Unit: 1636

TECH CENTER 1600/2900

For : NUCLEIC ACIDS COMPRISING REGIONS OF THE RAT PEG-3 PROMOTER THAT DISPLAY ELEVATED EXPRESSION IN HUMAN CANCER CELLS AND USES THEREOF"

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231

March 26, 2002

Date of Deposit

Lisa B. Kole

Attorney Name

Signature

35,225

PTO Registration No.

March 26, 2002

Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated February 26, 2002, please consider the following remarks.

The Examiner asserts that that the present application contains 3 distinct inventions, grouped as follows:

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Group I – Claims 1-14, drawn to an isolated nucleic acid comprising a PEG-3 promoter, classified in class 536, subclass 24.1.

Group II – Claims 15-23, drawn to a method for identifying an agent which modulates PEG-3 promoter activity, classified in class 435, subclass 6.

Group III – Claims 24-37, drawn to a method for treating cancer in a subject comprising administering a nucleic acid, classified in class 514, subclass 44.

The Examiner has required that Applicants restrict the prosecution of this application to one of the foregoing groups. In response, Applicants elect to pursue Group I, which comprises Claims 1-14 as they are drawn to an isolated nucleic acid comprising a PEG-3 promoter in this application, without traverse, and without prejudice to the prosecution of the subject matter of the non-elected groups in other patent applications.

Applicants believe that no fee is required in connection with this communication. However, if any fee is required, please charge such fee to our Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', is written over a horizontal line.

Lisa B. Kole, M.D., Ph.D.
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